

**Assembly Bill No. 1011**

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Passed the Assembly    September 12, 2001

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*Chief Clerk of the Assembly*

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Passed the Senate    September 12, 2001

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2001, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to add Section 27255 to the Government Code, relating to county records.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1011, Pavley. County records.

(1) Existing law prescribes the various duties of the county assessor and the county recorder with respect to the filing and maintenance of public documents and prescribes fees that may be charged by the county recorder for recording and indexing documents.

This bill would require the county recorder in each county to develop and maintain, within the existing indexing system, a comprehensive index of conservation easements on land in that county. The bill would also require the county recorder, with respect to conservation easements affecting property within the county, recorded on or after January 1, 2002, to include the conservation easement in the index, if the document is properly labeled, or if a Notice of Conservation Easement, as set forth in the bill, is also recorded. The bill would authorize specified parties to conservation easements to fill out and record a Notice of Conservation Easement for conservation easements recorded prior to January 1, 2002. The bill would specify that, with respect to recording a conservation easement document, the fee for recording and indexing documents shall include funds to cover the costs associated with indexing the document. The bill would state the intent of the Legislature that the conservation easement index be established by using existing resources. By imposing these duties on county officers, this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



*The people of the State of California do enact as follows:*

SECTION 1. Section 27255 is added to the Government Code, to read:

27255. (a) The county recorder in each county shall develop and maintain, within the existing indexing system, a comprehensive index of conservation easements and Notice of Conservation Easements on land within that county. The conservation easement index developed and maintained pursuant to this subdivision shall include all conservation easements recorded on and after January 1, 2002.

(b) For the purposes of this section, “conservation easement” means any limitation in a recorded instrument that contains an easement, restriction, covenant, condition, or offer to dedicate, which is or has been executed by or on behalf of the owner of the land subject to that limitation and is binding upon successive owners of the land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition. “Conservation easement” includes a conservation easement as defined in Section 815.1 of the Civil Code, an open-space easement as defined in Section 51075 of this code, and an agricultural conservation easement as defined in Section 10211 of the Public Resources Code.

(c) On and after January 1, 2002, when a county recorder records a new conservation easement affecting property within the county, he or she shall include the easement in the index developed and maintained pursuant to subdivision (a), if the document containing the easement is entitled “Conservation Easement,” or the following document is properly filled out by the submitter, and recorded at the same time, or at a later date:

Recording Requested by and  
When Recorded Return To:



<p>There is no fee required for the recording of this document pursuant to Government Code Section 6103 NOTICE OF CONSERVATION EASEMENT</p>
<p>The undersigned hereby gives notice that a Conservation Easement was recorded in the _____ County Recorder's Office on _____ and recorded as Docu- ment Number _____.</p> <p>The grantors and grantees of the Conservation Easement were Grantors _____</p> <p>Grantees _____</p> <p>I declare under penalty of perjury that the above statement is true and correct. Signed, _____ Dated, _____</p> <p>THIS NOTICE IS FOR INDEXING PURPOSES ONLY, AND DOES NOT, BY ITSELF, CONSTITUTE A CONSERVATION EASEMENT</p>

(d) In order to include conservation easements recorded prior to January 1, 2002, the comprehensive index of conservation easements and "Notice of Conservation Easements" developed and maintained pursuant to subdivision (a), any parties to conservation easements, including, but not limited to, the counties, cities, recreation and park districts or agencies, state conservancies, state agencies, the California Coastal Commission, land trusts, and nonprofit organizations, may fill out and record a Notice of Conservation Easement pursuant to subdivision (c) for each previously recorded conservation easement, in the county in which the affected real property is located.

(e) Pursuant to Section 27361, the standard fee charged by the county recorder for recording the conservation easement document shall include funds to cover the costs associated with indexing the document.

(f) It is the intent of the Legislature that nothing in this section shall be construed to require a county recorder to develop and maintain an index separate from the existing indexing system, and



that the conservation easement index be established by using existing resources.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



Approved \_\_\_\_\_, 2001

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*Governor*

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